

Minutes
Family Commission
March 30, 2011

The Family Commission met in courtroom 5A at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on March 30, 2011.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Holly Abery-Wetstone, Hon. Sandra Sosnoff Baird, Hon. John Boland, Attorney Steven Dembo, Hon. Steven Frazzini, Attorney Constance Frontis, Hon. Elaine Gordon (arrived late), Johanna Greenfield, Attorney Maureen Murphy, Hon. Elliott Solomon.

Also in attendance was Attorney Joseph Del Ciampo and Attorney Nancy Porter from the Judicial Branch's Legal Services Unit.

The meeting was called to order at 2:07 PM by Judge Munro.

I. Review and approval of minutes

Approval of the minutes was held to the end of the meeting so that members had an opportunity to review a letter from a member of the public distributed by Attorney Nancy Porter. At the end of the meeting, the minutes from the meeting held on February 9 were approved by the members of the Commission who were in attendance.

II. Revisions to Financial Affidavit form

Magistrate Sosnoff Baird and Maureen Murphy reported out on the results of their work with David Iaccarino regarding the financial affidavit. They suggested that the Massachusetts financial affidavit form could be used as a starting point, but that it could perhaps be made more compact. There was some interest in the Michigan form as well, which they will forward to Commission members.

If it is not possible for there to be online computation of the calculations on the form, it was suggested that there will need to be clear instruction with regard to those calculations.

Priority would be to develop an "EZ" form first. It would contain a place for an explanation if the affiant's income is zero.

Questions arose as to whether there should be something on the form about substantiation (paystubs with year-to-date, etc.), and what to do if the affiant is self-employed (the Massachusetts form has a "Schedule A").

The threshold was discussed as to when an affiant could use an "EZ" form. Threshold issues could include that the affiant:

- owns principal residence, but no other real estate
- has no other assets (including no business interest)
- is a W2 wage earner

It might be acceptable for use of the "EZ" form if the affiant has

- debts
- dividend and interest income
- bank account(s)
- retirement account(s)
- car(s)
- no trust money

It was discussed that perhaps Connecticut's certification should be more detailed and include more information about the possible consequences of not being truthful.

Presentation and format would also be important.

Other possible items to include were Legal fees paid to date (but not expert fees), and any fund remaining on deposit with the affiant's attorney (including how much).

The issue remains with regard to whether any information can be gathered with regard to future expenses. There is some case law on this issue. Also discussed were expenses that someone else is paying and expenses owed that are not being paid.

Some states have a summary sheet with some demographic information, which may also be something to consider.

Comments should be submitted to Judge Munro by April 26th.

III. GAL protocol to bring matters to the court's attention and the duration of the GAL's appointment

Two drafts were discussed. A draft GAL Request for Status conference and a draft Order Appointing Guardian Ad Litem for Minor Child(ren).

With regard to the Request, some of the questions/issues that arose are:

- Should it include who the child(ren) is/are?
- Should it be more substantive?

--There was some concern about notice to all involved if the court event was going to be anything more than a true status conference (e.g., a hearing).

There was a consensus that a general indication as to why the conference was being requested along with a certification could work:

The request could indicate by checkboxes:

--that it is an urgent matter involving the safety of the children or compliance with a court order or orders.

--that it is not an urgent matter, but that the court's attention is required

or

--that appointment of an attorney is being requested pursuant to P.B. § 67-13.

The certification could indicate that notice of the issues was given to the parties or, if not, whether it was because it would compromise the safety of the child, or because attempts to communicate were unsuccessful.

With regard to the Order:

There was some discussion as to whether such detail was necessary or desirable. With regard to authorization on releases, Attorney Porter indicated that the Judicial Branch has an Authorization for Release of Information form: the JD-CL-46. It was noted that there is a FWSN form explaining the process that might be a helpful model. It was also suggested that there should be a report back date for GALs or notice of a hearing date on any such form. It was further suggested that input would be helpful from those who serve as GALs.

Judge Munro will work on form language and Judge Boland will draft a plain language description of the GALs role.

The issue of duration of the appointment remains for discussion.

IV. Self-represented parties filing appearances "in lieu of" attorneys

This topic was not reached.

V. *Ex Parte* motions for custody

This topic was not reached.

VI. Such other matters that may come before the Commission

Judge Munro reported that due to fiscal concerns, the Chief Child Protection attorney has instituted a cap of \$1000 per case, unless the case goes to trial. It is a short term solution until June 30th.

VII. Next meeting

The next meeting date is May 11, 2011.

Judge Munro adjourned the meeting at 4:07 p.m.